

REMARKS

The present Request for Continued Examination (RCE) was filed because the examiner refused entry of the amendments submitted after final Action. Those amendments remain in the present application, and should now be entered per applicants filing of the RCE.

On February 5, 2004, applicants filed a first preliminary amendment after the Request for Continued Examination in which new claims 12 and 13 were added. These claims remain.

On February 12, 2004, applicants filed a request for a translation of the Wagner citation.

The amendment submitted above only places claim 4 in independent form, the other amendments of October 27, 2003, and February 5, 2004, remaining.

Filed herewith is a Declaration under 37 CFR 1.132 in the name of three of the four inventors, all MDs and Ph.Ds, with substantial expertise in the present field. Applicants respectfully request the examiner to carefully review the attached Declaration which addresses many or all of the points raised by the examiner in the Advisory Action or earlier.

While such Declaration includes some opinion, which opinion is fully entitled to weight as the opinions of experts in the present art (citations of authority can be supplied if necessary), most of the contents of the attached Declaration constitute **statements of fact** within the knowledge and experience of the Declarants.

The facts, as amply demonstrated in the attached Declaration, are that the prior art simply does not anticipate applicants' invention as claimed. Lenschow is irrelevant as it involves administration systemically, not a process which is anything like what is claimed. Wagner and Soon-Shiong both describe encapsulating procedures which are fundamentally different from the claimed process which does not involve encapsulation.

Even Example 25 (column 19) of Soon-Shiong, the very closest that Soon-Shiong comes to the present invention, clearly involves an encapsulation procedure, and indeed one in which neither heparin nor any other clotting prevent agent is present.

None of the prior art references anticipate applicants' claims. No rejections have been imposed under §§103, and applicants agree that the prior art does not make obvious any applicants' claims.

Appn. No. 09/890,936
Amd. dated March 2, 2004

Applicants respectfully request favorable
reconsideration and allowance.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By


Sheridan Neimark

Registration No. 20,520

SN:jaa

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\B\Bran\Korsgren1\PTO\2nd Prelim Amd Dec132.doc